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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,323	12/07/2001	Hyoung Yoon Kim	P-0304	4253
34610	7590	07/12/2005	EXAMINER	
FLESHNER & KIM, LLP			SAMS, MATTHEW C	
P.O. BOX 221200			ART UNIT	PAPER NUMBER
CHANTILLY, VA 20153			2643	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/005,323	KIM, HYOUNG YOON
	Examiner Matthew C. Sams	Art Unit 2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 April 2005.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

1. This office action is in response to the amendment filed on 4/25/2005.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 8-10 and 13 are rejected under 35 U.S.C. 103(a) as being anticipated by Henderson (US-6,647,109) in view of Winkler (US 2002/0160820).

Regarding claim 1, Henderson teaches a personal computer (Fig. 2 [205]) with access to an Internet phone service through an Internet network. (Col. 2 lines 39-51) Henderson teaches a mobile communication terminal that functions as a wireless headset (Fig. 2 [215]) using the Bluetooth protocol, when the personal computer (Fig. 2 [205]) is accessing the Internet phone service. (Col. 5 lines 25-28) Henderson differs from the claimed invention by not mentioning a built-in wireless communication capability configured to enable wireless communication between a plurality of communication devices. However, Winkler teaches a headset (Fig. 1 [102]) that has a built in wireless communication capability configured to enable wireless communication between a plurality of communication devices. (Page 2 [0018-0019]) At the time the

invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the wireless communication capability of Winkler's headset into the network telephone of Henderson. One of ordinary skill in the art would have been motivated to do this since having multiple wireless protocols built into the headset allows for communication with multiple communication devices. (Page 2 [0018-0019])

Regarding claim 8, Henderson in view of Winkler teaches a mobile communications terminal that has a wireless communication capability of the mobile communication terminal is compatible with a built in wireless communication capability of the PC. (Henderson Col. 5 lines 25-28 and Winkler Page 2 [0019])

Regarding claim 9, Henderson in view of Winkler teaches a built in wireless communication capabilities of the mobile communication terminal and the PC are compatible with a predetermined wireless communication protocol. (Winkler Page 2 [0016-0019])

Regarding claim 10, Henderson in view of Winkler teaches a wireless communication protocol configured to enable wireless communication amongst a plurality of predetermined components positioned within a given proximity of one another. (Winkler Page 2 [0016-0019])

Regarding claim 13, Henderson in view of Winkler teaches a PC that is configured to access the Internet phone service through an Internet network. (Henderson Col. 2 lines 39-67, Fig. 1 [202] and Winkler Page 2 [0019])

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4. Claims 2-4, 14, 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henderson in view of Winkler as applied to claim 1 above, and further in view of Eghtesadi et al. (US-5,982,904 hereinafter, Eghtesadi).

Regarding claim 2, Henderson in view of Winkler teaches a headset (Henderson Fig. 2 [215]) connected to a personal computer using Bluetooth (Henderson Fig. 2 [205] and Col. 5 lines 25-28), which obviously includes a Bluetooth card for receiving and transmitting a speech signal. Henderson in view of Winkler differs from the claimed invention in failing to mention the personal computer contains a sound card, which processes the received speech signals. However, Eghtesadi teaches a wireless headset that contains a speaker (Fig. 3 [16]) and a microphone (Fig. 3 [18]) coupled wirelessly to a personal computer, which comprises a sound card for processing received speech signals. (Col. 1 lines 54-59) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the sound card of Eghtesadi into the personal computer and network telephone of Henderson in view of Winkler. One of ordinary skill in the art would have been motivated to do this since a sound card is vital to the reproduction of all audio for a personal computer.

Regarding claim 3, Eghtesadi teaches a speech signal inputted through a microphone sent wirelessly to a personal computer and outputs the speech signal through the speaker. (Col. 3 lines 23-36)

Regarding claim 4, the limitations of claim 4 are rejected as the same reasons set forth above in claims 1 and 3.

Regarding claim 14, Henderson in view of Winkler teaches a wireless communication protocol configured to enable wireless communication amongst a plurality of predetermined components positioned within a given proximity of one another. (Winkler Page 2 [0016-0019])

Regarding claim 15, Henderson in view of Winkler teaches a mobile communications terminal that has a wireless communication capability of the mobile communication terminal is compatible with a built in wireless communication capability of the PC. (Henderson Col. 5 lines 25-28 and Winkler Page 2 [0019])

Regarding claim 18, Henderson in view of Winkler teaches a PC that is configured to access the Internet phone service through an Internet network. (Henderson Col. 2 lines 39-51, Fig. 2 [205], Winkler Fig. 1 and [0019])

5. Claims 5-7, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henderson in view of Winkler and Tuoriniemi et al. (US-5,978,689 hereinafter, Tuoriniemi).

Regarding claim 5, Henderson teaches a personal computer (Fig. 2 [205]) that utilizes a wireless headset (Fig. 2 [215]), which transmits speech signals inputted through a microphone using the Bluetooth protocol. Henderson teaches the headset can be wirelessly connected by the Bluetooth protocol to the personal computer or to the communication gateway. (Col. 5 lines 25-29) It is obvious that one skilled in the art would recognize Henderson teaches two separate operating modes, which would require setting a specified mode. Further proof is presented by Winkler, who teaches a wireless headset that has separate profiles that allow for communicating with different

communication devices. (Page 2 [0018-0019]) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the wireless communication capability of Winkler's headset into the network telephone of Henderson. One of ordinary skill in the art would have been motivated to do this since having multiple wireless protocols built into the headset allows for communication with multiple communication devices. (Page 2 [0018-0019]) Henderson in view of Winkler differs from the claimed invention by not mentioning changing the input/output ports of the mobile communication terminal if the operating mode is headset mode. However, Tuoriniemi teaches a mobile communication terminal that contains a switch, which determines the operating mode of the headset and changes the input/output ports within the mobile communication terminal. (Col. 4 lines 47-58) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the switch of Tuoriniemi into the personal computer and wireless headset of Henderson in view of Winkler. One of ordinary skill in the art would have been motivated to do this since incorporating the switch of Tuoriniemi adds to the versatility of a headset with a microphone by allowing the user to select between multiple telephonic services and audio devices. (Col. 2 lines 20-61)

Regarding claim 6, Tuoriniemi teaches of voice recognition system for dialing phone numbers. (Col. 3 lines 8-11 and Col. 12 lines 15-42)

Regarding claim 7, Henderson teaches a wireless headset that can operate with a normal wireless telephone call service when selected. (Col. 5 lines 25-39)

Regarding claim 11, Henderson in view of Winkler teaches the limitations of claim 1, but differs from the claimed invention by not mentioning input/output ports to be adjusted based on the operating mode of the mobile communications terminal. However, Tuoriniemi teaches a mobile communication terminal that contains a switch, which determines the operating mode of the headset and changes the input/output ports within the mobile communication terminal. (Col. 4 lines 47-58) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the switch of Tuoriniemi into the personal computer and wireless headset of Henderson in view of Winkler. One of ordinary skill in the art would have been motivated to do this since incorporating the switch of Tuoriniemi adds to the versatility of a headset with a microphone by allowing the user to select between multiple telephonic services and audio devices. (Col. 2 lines 20-61)

Regarding claim 12, Tuoriniemi teaches a plurality of operating modes of the mobile communication terminal comprises a headset mode and a general call mode. (Col. 2 lines 20-61)

6. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henderson in view of Winkler and Eghtesadi as applied to claim 4 above, and further in view of Tuoriniemi et al. (US-5,978,689 hereinafter, Tuoriniemi).

Regarding claim 16, Henderson in view of Winkler and Eghtesadi teaches the limitations of claim 4 above, but differs from the claimed invention by not mentioning input/output ports to be adjusted based on the operating mode of the mobile communications terminal. However, Tuoriniemi teaches a mobile communication

terminal that contains a switch, which determines the operating mode of the headset and changes the input/output ports within the mobile communication terminal. (Col. 4 lines 47-58) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the switch of Tuoriniemi into the personal computer and wireless headset of Henderson in view of Winkler and Eghtesadi. One of ordinary skill in the art would have been motivated to do this since incorporating the switch of Tuoriniemi adds to the versatility of a headset with a microphone by allowing the user to select between multiple telephonic services and audio devices. (Col. 2 lines 20-61)

Regarding claim 17, Tuoriniemi teaches a plurality of operating modes of the mobile communication terminal comprises a headset mode and a general call mode. (Col. 2 lines 20-61)

***Response to Arguments***

7. Applicant's arguments filed 4/25/2005 have been fully considered but they are not persuasive.

Pertaining to the Applicant's argument regarding the amended claims 1, 4, and 5, Winkler teaches the limitation of "the mobile communication terminal comprises a built-in wireless communication capability configured to enable wireless communication between a plurality of communication devices". Therefore, Henderson in view of Winkler teaches the amended limitation.

Pertaining to the Applicant's arguments regarding claims 2 & 3, the grounds of the argument were based on the additional limitation added to claim 1. Winkler teaches the additional limitation; therefore the original rejection stands in view of Winkler.

Pertaining to the Applicant's arguments regarding claims 6 & 7, the grounds of the argument were based on the additional limitation added to claim 5. Winkler teaches the additional limitation; therefore the original rejection stands in view of Winkler.

The additional claims 8-18 were addressed individually above.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Sams whose telephone number is (571)272-8099. The examiner can normally be reached on M-F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571)272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MCS  
7/7/2005

  
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